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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/622,381 08/16/00 CORZANI

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EXAMINER

WEBB, J

ART UNIT

PAPER NUMBER

3761

DATE MAILED:

07/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/622,381

Applicant(s)

CORZANI, ITALO

Examiner

Jamisue A. Webb

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract reads like a claim. See above for suggestions on how the abstract should be written. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. With respect to Claim 1: the phrase "An odour controlling material for removing or reducing odour emanating from certain gaseous or liquid compound which comprises an inorganic absorbent material" is indefinite. It is unclear if the odour controlling material comprises an inorganic absorbent material, or if the liquid compound comprises an inorganic absorbent material. The examiner suggests adding the appropriate punctuation to denote which item comprises the absorbent material.

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6. Claim 1 recites the limitation "the gaseous or liquid compounds" in line 4. There is insufficient antecedent basis for this limitation in the claim. The term "gaseous or liquid compounds" are located in the preamble of the claim, however they are not positively claimed in Claim 1.

7. With respect to Claims 1 and 13: the phrase "having similar functionalities" is indefinite. It is unclear as to what this phrase is attempting to claim. Does this mean it has similar chemical properties, have similar use or similar physical properties?

8. With respect to Claim 5: the applicant has claimed "alkali and alkaline earth metal salts thereof" and "esters thereof". It is unclear to the examiner what "thereof" is referring to. Thereof what?

9. With respect to Claims 6: the phrase "and salts thereof" is indefinite. It is unclear to the examiner what is a salt thereof.

10. With respect to Claim 7: the phrase "and atmospheric pressure" is indefinite. It is unclear to the examiner if the applicant is trying to claim atmospheric pressure. Does it mean there is atmospheric pressure in the material, or is this a typo that should read "boiling point up to 170°C at atmospheric pressure".

11. With respect to Claim 13 and 14: the phrase "use as an odour controlling material" is indefinite. This phrase is grammatically incorrect, the examiner suggest "A use" instead of just "Use". Furthermore it is unclear to the examiner if the applicant is claiming the method of using the material, or the material itself.

12. Claim 13 recites the limitation "the compounds to be absorbed" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

14. Claims 1-9, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rieck et al. (4,806,327).

15. Reick discloses the use of sheet that can be used as fabric softener (column 6, lines 60-63). The examiner considers a fabric softener to be an odor absorbing material. Reick discloses the sheet to me a alkali metal silicate. (see abstract, and column 2, lines 10-56).

16. With respect to Claims 6 and 7: these claims are drawn to an unselected species of the markush group in claim 4.

17. Claims 1, 2, 4-7, and 10-14 rejected under 35 U.S.C. 102(e) as being anticipated by Brunner et al (5,733,272).

18. With respect to Claims 1, 2, 4, and 13-14: Brunner discloses the use of an absorbent material that has a mixture of an odor reducing complex, such as a zeolite that is alluminate/silicate (column 2, line 27, and column 7, lines 30-40), the use of an perfume such as benzaldehyde and benzyl alcohol (column 3, line 57-58).

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19. With respect to Claims 5-7: these claims are drawn to an unselected species of the markush group in claim 4.
20. With respect to Claim 10: see column 2, line 32.
21. With respect to Claims 11 and 12: see column 2, lines 33-37.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson (H1732), Guarracino et al (5,944,704) and Cummings et al. (5,951,534) all disclose absorbent article with the use of odor absorbent article and Rouanet et al. (5,864,923) discloses a method of making a silica base substance, treated with additional substances.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John G. Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

jaw

July 11, 2001

